United Nations CRPD/C/TUR/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Turkey*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information about measures taken by the State party to review its legislation, such as the Turkish Disability Act (No. 5378 of 2005), and public policies at all levels, and to bring them into line with the human rights model of disability enshrined in the Convention. Please provide further information on how the concepts and principles established in articles 1, 2 and 3 of the Convention have been recognized and applied in general and sectoral legislation and policies in the State party (CRPD/C/TUR/1, para. 12).[1]

2. Please provide information about measures taken to withdraw derogatory terminology from the State party's legislation, such as the terms "normal individual", "deficiency", "mentally defective" and "mentally incompetent" (paras. 7, 89 and 124).

3. Please report on the methods for assessing disability in compliance with the human rights model of disability and the specific purposes these assessments are meant to serve. Please indicate how the State party engages with organizations of persons with disabilities in the design of disability assessments, the provision of information in accessible formats about disability assessments, and any review processes regarding disability assessments since the ratification of the Convention.

4. Please provide information — in line with the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention — on concrete steps taken to meaningfully consult with and involve representative organizations of persons with disabilities in the implementation of the Convention at the national and local levels of administration since the submission of the State party's initial report.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

5. Please provide updated information about:

(a) Measures taken to prevent and combat discrimination on the grounds of disability in the public and private spheres, particularly the development of a national strategy (para. 43) and action plan with specific time frames, and the human, technical and financial resources allocated to it;

* Adopted by the pre-sessional working group at its tenth session (24–27 September 2018).

[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

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(b) Measures taken to ensure that the relevant legal framework recognizes all forms of discrimination on the basis of impairment, such as the denial of reasonable accommodation, discrimination by association with persons with disabilities and multiple and intersectional discrimination;

(c) The situation of persons with disabilities of Kurdish origin, Roma persons with disabilities, refugees and asylum seekers with disabilities, persons with disabilities living in the eastern and south-eastern regions and in rural areas, and older persons with disabilities.

6. Please provide updated statistics on the number and percentage of claims of discrimination on the basis of disability made since 2015, disaggregated by sex, age, barriers identified and the sector in which discrimination occurred, and the number and percentage of cases that resulted in effective remedies, sanctions included.

Women with disabilities (art. 6)

7. Please provide information about the State party's legislation, public policies, strategies and programmes promoting equal rights for women with disabilities regardless of their types of impairment (para. 47). Please indicate how the situation of women and girls with disabilities has improved since the submission of the State party's initial report.

Children with disabilities (art. 7)

8. Please provide detailed information about:

(a) Measures taken, including specific budget allocations, to ensure the inclusion of children with disabilities in society and to uphold their right to live in a family instead of in institutions (para. 49);

(b) The situation of children with disabilities in early childhood (below the age of 8 years) and specific measures, including public policies, strategies and programmes with specific budget allocations, to ensure that young children with disabilities are guaranteed access to health, education, material assistance and support programmes to promote their well-being;

(c) Safeguards for protecting the rights of all children with disabilities and "orphans", regardless of the status of their parents (para. 45).

Awareness-raising (art. 8)

9. Please provide information on awareness-raising strategies, including campaigns, aimed at promoting equal rights for persons with disabilities, and provide examples of measures to challenge negative stereotypes and charity-related images, as well as measures to promote the human rights model of disability. Please indicate how organizations of persons with disabilities have been meaningfully involved in awareness-raising strategies, in line with the Committee's general comment No. 7.

Accessibility (art. 9)

10. Please inform the Committee about:

(a) The implementation of Act No. 6353 regarding accessibility and the additional steps taken and results achieved, as well as measures to address the remaining gaps in the provision of access to the physical environment, transport, information and communications;

(b) Sanctions and fines that have been applied by the accessibility monitoring and auditing commissions responsible for dealing with cases of non-compliance with accessibility requirements since the submission of the State party's initial report (para. 69);

(c) Measures taken to provide persons with disabilities with accessible printed and electronic information in Easy Read format and with information and communications technologies in accordance with the Committee's general comment No. 2 (2014) on accessibility;

(d) Measures to provide affordable assistance, particularly live assistance, including guides, readers and professional sign language interpreters, in line with article 9 (2) (e) of the Convention.

Right to life (art. 10)

11. Please provide information on the measures taken to allow persons with disabilities to enjoy their right to life on an equal basis with others, including measures to protect them from arbitrary detention, cruel, inhuman or degrading treatment or torture to extract false confessions. Please provide details about measures taken to prevent any form of neglect, abandonment or destitution, in particular of persons with disabilities in institutions and of women with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

12. Please provide additional information about the involvement of organizations of persons with disabilities in setting up and implementing accessible emergency evacuation plans. Please provide details about measures that have been adopted to ensure the inclusiveness and accessibility of disaster risk reduction measures and disaster management strategies, as indicated in the Sendai Framework for Disaster Risk Reduction.

Equal recognition before the law (art. 12)

13. Please provide information about:

(a) Steps taken to recognize the full legal capacity of persons with disabilities on an equal basis with others, and to repeal provisions of the Turkish Civil Code that deprive persons with intellectual or psychosocial disabilities and persons with hearing impairments of their legal capacity;

(b) Measures to establish a supported decision-making system and safeguards therein, in line with article 12 (4) of the Convention;

(c) The number of persons with disabilities who are still under tutorship and guardianship (plus the percentage of the total number of persons with disabilities that they represent) and of those who are still subject to processes to re-establish their full legal capacity.

Access to justice (art. 13)

14. Please provide information about:

(a) The outcomes of the Strategic Plan of the Ministry of Justice (2010–2014) and the tenth Development Plan (para. 96), and of the Enhancing Punishment Execution Services in Penal Institutions (2013–2014) project (para. 98), particularly concerning the existing safeguards for official requests by the accused or suspect regardless of their impairment (para. 99);

(b) The procedural and age-appropriate accommodations that are available for women and children with disabilities to ensure their effective participation in the justice system;

(c) The training of law enforcement officials, including judges and the police, on the principles and rights of persons with disabilities.

Liberty and security of the person (art. 14)

15. Please inform the Committee about:

(a) Measures to eradicate the deprivation of liberty of persons with disabilities on the basis of impairment based on an assumption of the presumed dangerousness of persons with disabilities to the public (paras. 105 and 106);

(b) Measures to ensure that persons with disabilities benefit from procedural and legal guarantees on an equal basis with other persons in all legal proceedings related to the deprivation of liberty;

(c) Any institutions that still exist for persons with intellectual or psychosocial disabilities, including data on those institutions. Please indicate whether the ombudsman institution and the human rights institution monitor these establishments and keep updated information about persons with disabilities still living in such institutions.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

16. Please provide information about:

(a) The notion of the "social state principle" in relation to support services for women victims of violence (para. 115) and additional measures taken and results achieved in preventing ill-treatment or torture in institutions since the ratification of the Convention;

(b) Measures to ensure that acts of ill-treatment or torture are investigated, perpetrators are prosecuted and victims receive adequate compensation, reparation and rehabilitation;

(c) Measures to improve the situation of persons with disabilities and their levels of access in prisons, other penal institutions and detention houses since the submission of the State party's initial report (paras. 116 and 119).

Freedom from exploitation, violence and abuse (art. 16)

17. Please provide information about:

(a) Measures taken to prevent all forms of violence against women and girls with disabilities in the family, institutions, schools and the public sphere, and to ensure the early identification of all instances of exploitation, violence or abuse against women and girls with disabilities. Please also provide details about the prosecution of and sanctions imposed against perpetrators;

(b) Public funding allocated in the past three years to improve the accessibility of women's temporary shelters, the type of accessible information provided for women and girls with disabilities, and specific measures of redress and rehabilitation in cases of violence and abuse;

(c) The proportion of persons who have been victims of physical or sexual violence and abuse by sex, age, impairment and types of barriers encountered, place and occurrence over the past three years;

(d) The type of sanctions imposed on social service institutions under Act No. 2828 on social services and Act No. 6495 of 2013 due to a lack of preventive measures in cases of violence against persons with disabilities;

(e) Existing systems for recording and addressing any form of violence against children with disabilities, including verbal, physical, sexual or psychological violence in schools, rehabilitation centres, night or day nursing homes and public spaces.

Protecting the integrity of the person (art. 17)

18. Please inform the Committee about measures taken to protect women and girls with intellectual or psychosocial disabilities from practices of forced sterilization and forced abortion. Please also inform the Committee about the safeguards available for persons with disabilities to ensure their right to give full and informed consent, and to have access to the means of doing so, before taking part in any scientific or medical experiments.

Liberty of movement and nationality (art. 18)

19. Please inform the Committee about measures taken to ensure that migrants, refugees and asylum seekers with disabilities are provided with appropriate support and reasonable accommodation in immigration proceedings.

Living independently and being included in the community (art. 19)

20. Please provide information about:

(a) Measures taken to ensure the right to choose where and how to live, whether to live among others and, if so, with whom, and to deinstitutionalize persons with disabilities living in any type of institution, such as large homes, "hope homes", group homes, hostels, centres and psychiatric hospitals. Please provide specific information about the time frame that has been adopted and the specific human, technical and financial resources that have been allocated to deinstitutionalization strategies;

(b) Strategies and budgets allocated to improving accessibility to community services, in particular education, health, employment, banking, leisure, cultural activities and mainstream sporting activities;

(c) Measures taken and consultations conducted with organizations of persons with disabilities concerning deinstitutionalization strategies and the development of inclusive communities for persons with disabilities.

Personal mobility (art. 20)

21. Please provide information about measures taken to ensure that persons with disabilities, including those living in rural areas, are able to access and can afford to buy assistive technologies and devices, and about measures taken to provide repair services for personal assistive and mobility devices.

Freedom of expression and opinion, and access to information (art. 21)

22. Please indicate whether information intended for the general public is fully accessible to persons with disabilities, and whether it is available in sign language, Easy Read and Braille, as well as in augmentative and alternative formats and modes of communication. Please also provide information about measures taken to ensure accessibility and to monitor the websites of public bodies.

Respect for privacy (art. 22)

23. Please inform the Committee about any specific measures taken to ensure that persons with disabilities have their right to privacy respected.

Respect for home and the family (art. 23)

24. Please provide information on measures taken to repeal legislation under the Turkish Civil Code and to end practices that deny persons with disabilities, in particular persons with intellectual or psychosocial disabilities, their rights regarding marriage, family, adoption and parenthood on an equal basis with others, without discrimination and based on their free consent.

25. Please provide information about the family counselling services available for parents of children with disabilities and for parents with disabilities. Please provide statistics about counselling provided in rural and urban areas and by province, as well as details about public information concerning these services.

Education (art. 24)

26. Please provide data, disaggregated by sex, age, type of impairment and barriers faced, on the number of children with disabilities who are enrolled in mainstream schools, those who are not attending school and those who are still attending special schools.

27. Please inform the Committee about:

(a) Measures taken to recognize the substantive and enforceable right of persons with disabilities to quality inclusive education, and any strategy to establish inclusive education at all levels of the education cycle and across all regions in the country;

(b) Measures to ensure that persons with disabilities are not excluded from education, to raise awareness and to train teachers and non-teaching personnel working in schools on the right to inclusive education;

(c) Measures and incentives to provide reasonable accommodation for students with disabilities at mainstream schools and universities.

Health (art. 25)

28. Please provide information about:

(a) Legislative and other measures taken to ensure that health care and services related to sexual and reproductive health, HIV/AIDS and sexually transmitted infections are accessible for persons with disabilities;

(b) Measures to ensure that health services and treatments are provided on the basis of free and informed consent;

(c) Measures taken to ensure access to affordable health insurance, life insurance and other related insurance for persons with disabilities.

Habilitation and rehabilitation (art. 26)

29. Please explain how access to habilitation and rehabilitation services is ensured in remote areas for all persons with disabilities, and in particular for migrants, refugees and asylum seekers with disabilities, with information about any specific human, technical and financial resources allocated for this.

Work and employment (art. 27)

30. Please provide updated information on the percentage of persons with disabilities in formal employment, both in the public sector and at private companies.

31. Please also inform the Committee about:

(a) Measures and incentives to facilitate the transition from sheltered workshops to the open labour market and strategies to create jobs and promote the inclusion of persons with disabilities in the open labour market, in particular for women with disabilities and persons with intellectual or psychosocial disabilities;

(b) Measures to combat negative stereotypes of persons with disabilities at work and to expand the range of workplaces that are required to apply a quota;

(c) Judicial and/or administrative decisions that protect the right to equal treatment and non-discrimination in the field of employment (paras. 227 and 228).

Adequate standard of living and social protection (art. 28)

32. Please provide information about:

(a) Measures to monitor and address the impact of the financial crisis on the ability of persons with disabilities and their families to maintain an adequate standard of living, including the consequences of these measures for the payment of disability-related costs;

(b) Measures to address poverty among persons with disabilities and the outcomes of these measures;

(c) Measures to ensure equal access to all forms of social support by persons with disabilities, irrespective of their impairment, level of support required, level of income, sex, gender, age, social background, ethnic or national origin, or their migrant, asylum-seeking or refugee status;

(d) Measures to ensure equal access by persons with disabilities to housing programmes, including their access to accommodation in large-scale housing projects, regardless of their level of impairment;

(e) The number of persons with disabilities receiving disability allowances, disaggregated by sex, age, their residence in an urban or rural area and their migrant, refugee or asylum-seeking status.

Participation in political and public life (art. 29)

33. Please provide information on:

(a) Measures taken to ensure the effective, accessible and inclusive participation of persons with disabilities in electoral processes, and in particular their right to vote in person and by secret ballot, with self-chosen personal assistance and procedural safeguards;

(b) Whether the State party intends to use the template that has been prepared by civil society organizations to enable persons with visual impairments to vote with due account being taken of their right to privacy.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

34. Please provide information about the application of the Washington Group Short Set of Questions on Disability regarding the Population and Housing census(es) (para. 8). Please report on the development and use of disability equality indicators in accordance with Goal 17, targets 17.18 and 17.19 of the Sustainable Development Goals. Please also provide information on how the State party consults with organizations of persons with disabilities regarding statistics and data collection.

International cooperation (art. 32)

35. Please provide information on measures taken to ensure that disability is incorporated into national plans for the implementation and monitoring of the Sustainable Development Goals.

National implementation and monitoring (art. 33)

36. Please describe the steps taken to designate or establish an independent mechanism to monitor the implementation of the Convention. Please mention any institution that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also indicate how representative organizations of persons with disabilities participate in monitoring activities under articles 33 (1) and 33 (2) of the Convention.